

1 BRAD D. BRIAN (CA Bar No. 079001, *pro hac vice*)  
Brad.Brian@mto.com  
2 LUIS LI (CA Bar No. 156081, *pro hac vice*)  
Luis.Li@mto.com  
3 TRUC T. DO (CA Bar No. 191845, *pro hac vice*)  
Truc.Do@mto.com  
4 MIRIAM L. SEIFTER (CA Bar No. 269589, *pro hac vice*)  
Miriam.Seifter@mto.com  
5 MUNGER, TOLLES & OLSON LLP  
355 South Grand Avenue, Thirty-Fifth Floor  
6 Los Angeles, CA 90071-1560  
Telephone: (213) 683-9100  
7

8 THOMAS K. KELLY (AZ Bar No. 012025)  
tskelly@kellydefense.com  
425 E. Gurley  
9 Prescott, Arizona 86301  
Telephone: (928) 445-5484  
10

11 Attorneys for Defendant JAMES ARTHUR RAY

12 SUPERIOR COURT OF STATE OF ARIZONA  
13 COUNTY OF YAVAPAI

14 STATE OF ARIZONA,

15 Plaintiff,

16 vs.

16 JAMES ARTHUR RAY,

17 Defendant.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2011 NOV 17 PM 4:42 ✓

SANDRA HARKHAM, CLERK

BY: *[Signature]*

CASE NO. V1300CR201080049

Hon. Warren Darrow

DIVISION PTB

**DEFENDANT JAMES ARTHUR RAY'S  
REVISED STATEMENT OF COSTS  
REGARDING MOTION TO COMPEL  
DISCLOSURE OF ALL INFORMATION  
AND MATERIAL REGARDING THE  
MEDICAL EXAMINERS' OPINIONS  
ON CAUSE OF DEATH, AND FOR  
SANCTIONS; DECLARATION OF  
MIRIAM L. SEIFTER**

1 Defendant James Arthur Ray, by and through undersigned counsel, hereby submits a  
2 Revised Statement of Costs pursuant to this Court's September 20, 2010 Under Advisement  
3 Ruling On Motion To Compel Disclosure of All Information and Material Regarding the Medical  
4 Examiners' Opinions On Cause of Death, imposing monetary sanctions against the State in  
5 accordance with Arizona Rule of Criminal Procedure 15.7(a), and this Court's March 8, 2011  
6 Ruling on Defendant's Statement of Costs and State's Motion for Reconsideration of Imposition  
7 of Monetary Sanctions. The costs associated with prosecution of the motion and the re-  
8 interviewing of relevant witnesses are detailed in the attached declaration of Miriam L. Seifter.

9  
10 DATED: November 17th, 2011

MUNGER, TOLLES & OLSON LLP  
BRAD D. BRIAN  
LUIS LI  
TRUC T. DO  
MIRIAM L. SEIFTER

11  
12  
13 THOMAS K. KELLY

14  
15 By: 

16 Attorneys for Defendant James Arthur Ray

17 Copy of the foregoing delivered this 17th day  
18 of November, 2011, to:

19 Sheila Polk  
20 Yavapai County Attorney  
Prescott, Arizona 86301

21 by 

1 BRAD D. BRIAN (CA Bar No. 079001, *pro hac vice*)  
Brad.Brian@mto.com  
2 LUIS LI (CA Bar No. 156081, *pro hac vice*)  
Luis.Li@mto.com  
3 TRUC T. DO (CA Bar No. 191845, *pro hac vice*)  
Truc.Do@mto.com  
4 MIRIAM L. SEIFTER (CA Bar No. 269589, *pro hac vice*)  
Miriam.Seifter@mto.com  
5 MUNGER, TOLLES & OLSON LLP  
355 South Grand Avenue, Thirty-Fifth Floor  
6 Los Angeles, CA 90071-1560  
Telephone: (213) 683-9100  
7  
8 THOMAS K. KELLY (AZ Bar No. 012025)  
tskelly@kellydefense.com  
425 E. Gurley  
9 Prescott, Arizona 86301  
Telephone: (928) 445-5484

10 Attorneys for Defendant JAMES ARTHUR RAY

11  
12 SUPERIOR COURT OF STATE OF ARIZONA  
COUNTY OF YAVAPAI

13 STATE OF ARIZONA,

14 Plaintiff,

15 vs.

16 JAMES ARTHUR RAY,

17 Defendant.

CASE NO. V1300CR201080049

DIVISION PTB

Hon. Warren R. Darrow

**DECLARATION OF MIRIAM L.  
SEIFTER IN SUPPORT OF  
DEFENDANT JAMES ARTHUR RAY'S  
REVISED STATEMENT OF COSTS  
REGARDING MOTION TO COMPEL  
AND FOR SANCTIONS**

**DECLARATION OF MIRIAM L. SEIFTER**

I, Miriam L. Seifter, hereby declare:

1. I am an attorney at the law firm of Munger, Tolles and Olson LLP, and am one of the attorneys for Defendant James Arthur Ray in the above-captioned matter. I am duly admitted to practice in the State of California and am admitted as *pro hac vice* in the State of Arizona on this matter. I make this declaration in support of the Defense's Statement of Costs in connection with Mr. Ray's Motion To Compel Disclosure Of All Information And Material Regarding The Medical Examiners' Opinions on Cause of Death ("Motion to Compel").

2. On September 20, 2010, the Court granted Mr. Ray's Motion to Compel and imposed monetary sanctions against the State in accordance with Arizona Rule of Criminal Procedure 15.7(a). The Court indicated that the sanctions include "costs associated with prosecution of the motion and the re-interviewing of relevant witnesses."

3. On January 19, 2011, the Defense submitted its Statement of Costs in support of the Motion to Compel, accompanied by the Declaration of Truc T. Do ("Do Declaration"). The Do Declaration included a tabular breakdown of costs and expenses associated with prosecuting the motion to compel.

4. On March 8, 2011, the Court issued an order directing the Defense to submit a revised statement.

5. In light of the Court's order, I, along with my colleagues on the Defense team, have reviewed the underlying attorney time sheets, billing statements, and expense logs to provide a more detailed breakdown of costs. The detailed breakdown is reflected in a table attached as Exhibit A.

6. As noted in the Do Declaration, between June 2010 and January 2011, the Defense spent 87.5 hours prosecuting the Motion to Compel and repeating the interviews of law enforcement personnel and medical examiners.

7. Consistent with the Court's ruling, the Defense has endeavored to eliminate from the present submission any time that was spent researching or briefing the issue of attorney notes related to the meeting. The present submission thus includes a total of 73.4 hours of work. This

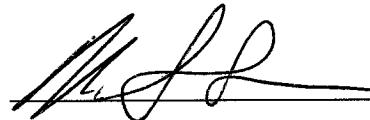
1 number reflects our best estimate, using our individual recollection and professional practice, and  
2 based on our time sheets, billing statements, and expense logs.

3 8. Apart from the issue of attorney notes, I understand the Court's March 8 ruling to  
4 reflect the Court's judgment that not all of the Defense's other hours and costs related to the  
5 prosecution of the motion and re-interviews of witnesses are covered by the Court's September  
6 20 sanctions ruling. I submit the attached costs (except time spent on the issue of attorney notes)  
7 in their entirety so as to allow the Court to reach an appropriate ruling.

8 9. The hourly rate, as set forth in Exhibit A, is \$350 per hour, which we understand  
9 is the rate for attorneys in Prescott, Arizona of similar qualifications handling similar matters.

10 10. The attorney fees associated with the prosecution of the Motion to Compel and  
11 the re-interviews of relevant witnesses total \$26,950. The associated costs total \$634.43. The  
12 total amount submitted on this day is therefore \$27,584.43.

13  
14 I declare under penalty of perjury under the law of the United States of America that the  
15 foregoing is true and correct and that this Declaration was executed this 17th day of November  
16 2011 at Prescott, Arizona.



17  
18 Miriam L. Seifter

19 Copy of the foregoing personally  
20 delivered this 17 day of November, 2011, to:

21 Sheila Polk  
22 Yavapai County Attorney  
23 255 E. Gurley  
24 Prescott, Arizona 86301

25  
26  
27  
28  
By: 

# **EXHIBIT A**

**State of Arizona v. James Ray**  
**Costs of Prosecuting Motion to Compel Disclosure and Re-interviews of Witnesses**

**1. ATTORNEY FEES**

<b>Attorney</b>	<b>Date</b>	<b>Description</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Truc Do	6/21/10	Draft motion to compel disclosure.	2.80	\$350	\$980
Truc Do	6/22/10	Review audio recordings and correct transcripts of defense interviews of Drs. Mosley, Fischione and Lyon for motion to compel disclosure.	5.50	\$350	\$1925
Truc Do	6/23/10	Review audio recordings and correct transcripts of defense interviews of Detectives Diskin, Poling, Boelts and Criminalist Sy for motion to compel disclosure; draft motion to compel disclosure.	5.00	\$350	\$1750
Truc Do	6/26/10	Draft motion to compel disclosure.	1.00	\$350	\$350
Truc Do	6/27/10	Draft and revise motion to compel disclosure; draft Ms. Do's declaration in support of motion to compel.	7.00	\$350	\$2450
Luis Li	6/28/10	Review and edit motion to compel.	1.00	\$350	\$350
Truc Do	6/28/10	Draft Ms. Do's declaration in support of and prepare exhibits for motion to compel; revise motion to compel.	3.50	\$350	\$1225
Miriam Seifter	6/28/10	Review motion to compel; research and revise.	1.50	\$350	\$525
Luis Li	6/29/10	Review and edit motion to compel.	.70	\$350	\$245
Luis Li	7/14/10	Review State pleadings.	.40	\$350	\$140
Truc Do	7/23/10	Review State's opposition to motion compel disclosure.	.30	\$350	\$105
Luis Li	7/25/10	Review State oppositions to motion to compel disclosure.	1.20	\$350	\$420
Truc Do	7/25/10	Review State's opposition to motion to compel disclosure.	.60	\$350	\$210
Miriam Seifter	7/25/10	Review State's responses to motion to compel;	4.00	\$350	\$1400

		research authority relied on by State; outline reply motion.			
Miriam Seifter	7/26/10	Research and draft reply regarding motion to compel discovery.	8.00	\$350	\$2800
Luis Li	7/26/10	Edit reply motion.	1.00	\$350	\$350
Truc Do	7/27/10	Review and revise reply in support of motion to compel disclosure.	2.00	\$350	\$700
Miriam Seifter	7/27/10	Revise reply in support of motion to compel discovery.	3.50	\$350	\$1225
Luis Li	7/28/10	Finalize reply in support of motion to compel.	.70	\$350	\$245
Truc Do	7/28/10	Conference with Ms. Seifter and Mr. Li regarding reply motion.	.20	\$350	\$70
Miriam Seifter	7/28/10	Finalize and file reply motion.	1.50	\$350	\$525
Truc Do	8/9/10	Prepare for hearing on motions to compel disclosure.	2.00	\$350	\$700
Luis Li	8/10/10	Prepare for and attend hearing on motion to compel disclosure.	5.00	\$350	\$1750
Truc Do	8/10/10	Prepare for and attend hearing on motion to compel disclosure.	5.00	\$350	\$1750
Truc Do	11/17/10	Conduct interviews of Lieutenant Boelts, Captain Rhodes, and Detective Diskin at Yavapai County Attorney's Office.	5.00	\$350	\$1750
Miriam Seifter	11/17/10	Conduct interviews of Lieutenant Boelts, Captain Rhodes, and Detective Diskin at Yavapai County Attorney's Office.	5.00	\$350	\$1750
<b>Total</b>			73.4		\$25,690

## **2. COSTS**

<b>Description</b>	<b>Amount</b>
Federal Express	\$96.06
Hotel accommodations for November 17, 2010 —Miriam Seifter	\$214.19



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Hotel accommodations for November 17, 2010	\$214.19
—Truc Do	
Rental car for November 17, 2010	\$109.99
<i><b>Total</b></i>	<b>\$634.43</b>

**TOTAL: \$27, 584.43**